

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL SHELIGA,	:
Plaintiff	:
v.	: Case No. 3:23-cv-139-KRG-KAP
WINDBER BOROUGH, <i>et al.</i> ,	:
Defendants	:

Memorandum Order

Plaintiff Sheliga filed a complaint against defendant Windber Borough and other defendants in June 2023. There is more to the matter but one element of the *pro se* complaint is the claim that plaintiff is threatened with arrest if he engages in political speech in violation of an allegedly unconstitutional Windber ordinance regulating door to door canvassing. After service, defendants filed a motion to dismiss in September 2023 that has been fully briefed, *see* ECF no. 10-13.

On Thursday October 19, 2023, plaintiff filed a motion at ECF no. 15 for a temporary restraining order or preliminary injunction relating to his stated desire to engage in door to door canvassing in Windber about the election on November 7, 2023. On Friday afternoon, October 20, 2023, I was notified by docket entry that I was added to the case. I held a status conference by Zoom on Monday October 23, 2023 and discovered that the earliest the parties could be available for a hearing on the motion is this Friday, October 27, 2023. I advised all parties that under the Magistrate Judges Act I could hear the matter on consent of all the parties, but that if I were acting on referral even if I were to rule on the spot on the motion the matter would be moot before the time period for filing objections expired. I accordingly contingently scheduled the hearing on the motion for Friday and gave all parties until today to file consents. The Clerk informs me that fewer than all parties have consented to my jurisdiction.

The hearing for Friday is accordingly canceled because it would be useless. If plaintiff seeks a hearing he must apply directly to the presiding district judge. The terms of my referral contemplate my ruling on the motion to dismiss and I will do that with notice to the parties under the Magistrate Judges Act.

DATE: October 25, 2023

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to parties or their counsel